

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

RICKY WILKINSON,	:	
Petitioner	:	
	:	
v.	:	File No. 1:06-CV-234
	:	
ROBERT HOFMANN,	:	
Commissioner, Vermont	:	
Department of Corrections,	:	
Respondent	:	

ORDER

The Magistrate Judge's Report and Recommendation was filed July 18, 2008. (Paper 20.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is GRANTED. The petitioner shall be released unless the State retries him within 90 days of the date of this Order.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 19<sup>th</sup> day of August, 2008.

/s/ J. Garvan Murtha  
J. Garvan Murtha  
United States District Judge